

APPENDIX

Sent to Governor
(May 6, 1991)

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SIXTIETH DAY

(Tuesday, May 7, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John Carlton Gilbert, First United Methodist Church, Austin, offered the invocation as follows:

We did not create this day nor this place. We stand here as the recipients of the labors of many women and men who have gone before us and given us this goodly heritage. But even well beyond that, we are here as guests of Your creative power, and are the recipients of Your love and grace which express themselves through the multiple gifts You give us.

Enable, we pray, these Senators to use to the fullest extent their gifts of mind and heart and so to legislate with wisdom and feeling that they may enhance the life of every citizen of this great State of Texas. O God, give them strength and courage for the tasks ahead. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 55

On motion of Senator Ellis and by unanimous consent, Senator Lyon will be shown as Co-author of **S.B. 55**.

CO-AUTHOR OF SENATE BILL 491

On motion of Senator Truan and by unanimous consent, Senator Lucio will be shown as Co-author of **S.B. 491**.

CO-SPONSORS OF HOUSE BILL 1519

On motion of Senator Turner and by unanimous consent, Senators Armbrister, Barrientos, Brooks, Haley and Tejeda will be shown as Co-sponsors of **H.B. 1519**.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 119, Commending teachers on National Teacher Day and extending highest regard to them for their important service to our state and country.

H.B. 2154, Relating to sovereign immunity in judicial actions based on a written contract for improvements to real property.

H.C.R. 222, Declaring the week of May 13-17, 1991, as "Paraprofessional and School-Related Personnel Appreciation Week in Texas."

H.C.R. 220, Commending Bill Pinkney and The Original Drifters on their exemplary record of accomplishment.

H.C.R. 223, Designating May 12th-18th, 1991, as Emergency Medical Services Week in Texas.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1569	S.B. 1573
S.B. 1570	S.B. 1574
S.B. 1571	S.B. 1575
S.B. 1572	

The motion prevailed by the following vote: Yeas 31, Nays 0.

REPORTS OF STANDING COMMITTEES

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 1508
H.B. 622
S.B. 1158
S.B. 1159
S.B. 1359
S.B. 1525
S.B. 829
S.B. 1495 (Amended)
S.B. 967 (Amended)
C.S.H.B. 1246
C.S.S.B. 1066
C.S.S.B. 75

Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 538
S.B. 1432
S.B. 1433
H.B. 70
C.S.S.B. 831
C.S.S.B. 612
C.S.H.B. 749
C.S.H.B. 2395

Senator Parker submitted the following report for the Committee on Education:

S.B. 578
C.S.S.B. 1118
C.S.S.B. 753

Senator Lyon submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 828

Senator Green submitted the following report for the Committee on Jurisprudence:

H.B. 1354
C.S.H.B. 2674

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.B. 176	H.C.R. 72
H.B. 407	H.C.R. 161
H.B. 409	H.C.R. 178
H.B. 448	H.C.R. 189
H.B. 571	H.C.R. 198
H.B. 670	H.C.R. 204
H.B. 903	H.C.R. 209
H.B. 1063	H.C.R. 214
H.B. 1198	H.C.R. 215
H.B. 1448	H.C.R. 221
H.B. 1897	S.B. 299
	S.B. 516

SENATE BILLS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

- S.B. 1569** by Sims State Affairs
Relating to the regulation of persons engaged in certain business activities.
- S.B. 1570** by Truan Intergovernmental Relations
Relating to the child support service fee in Nueces County.
- S.B. 1571** by Sims Jurisprudence
Relating to the jurisdiction of the County Court of Crockett County.
- S.B. 1572** by Glasgow State Affairs
Relating to the creation of the constitutional office of criminal district attorney of Erath County, and to the abolition of the offices of county attorney of that county and district attorney of the 266th Judicial District.
- S.B. 1573** by Lyon Finance
Relating to creation of a state grant writing team in the Office of State-Federal Relations.
- S.B. 1574** by Tejeda Natural Resources
Relating to the powers and financing of the San Antonio River Authority, the disposition of surplus personal property by the authority, and the creation of river improvement districts by the authority.
- S.B. 1575** by Brooks State Affairs
Relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Stephen F. Austin.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 2**, To Committee on Economic Development,
Subcommittee on Insurance.
- H.B. 183**, To Committee on State Affairs.
- H.B. 333**, To Committee on Finance.

H.B. 452, To Committee on Economic Development.
H.B. 507, To Committee on Finance.
H.B. 520, To Committee on Criminal Justice.
H.B. 683, To Committee on State Affairs.
H.B. 754, To Committee on Economic Development.
H.B. 813, To Committee on State Affairs.
H.B. 996, To Committee on Jurisprudence.
H.B. 1007, To Committee on State Affairs.
H.B. 1061, To Committee on Finance.
H.B. 1119, To Committee on Intergovernmental Relations.
H.B. 1132, To Committee on Criminal Justice.
H.B. 1188, To Committee on Criminal Justice.
H.B. 1250, To Committee on Economic Development.
H.B. 1463, To Committee on Natural Resources.
H.B. 1486, To Committee on State Affairs.
H.B. 1584, To Committee on Finance.
H.B. 1609, To Committee on Natural Resources.
H.B. 1665, To Committee on State Affairs.
H.B. 1753, To Committee on Natural Resources.
H.B. 1770, To Committee on Natural Resources.
H.B. 1846, To Committee on Intergovernmental Relations.
H.B. 1858, To Committee on Health and Human Services.
H.B. 1927, To Committee on Intergovernmental Relations.
H.B. 1931, To Committee on Intergovernmental Relations.
H.B. 1935, To Committee on State Affairs.
H.B. 1951, To Committee on Economic Development.
H.B. 2048, To Committee on Economic Development,
Subcommittee on Insurance.
H.B. 2049, To Committee on Economic Development.
H.B. 2053, To Committee on Health and Human Services.
H.B. 2057, To Committee on State Affairs.
H.B. 2231, To Committee on Intergovernmental Relations.
H.B. 2255, To Committee on Criminal Justice.
H.B. 2271, To Committee on Jurisprudence.
H.B. 2277, To Committee on Education.
H.B. 2336, To Committee on Natural Resources.
H.B. 2429, To Committee on State Affairs.
H.B. 2494, To Committee on Natural Resources.
H.B. 2699, To Committee of the Whole Senate on Redistricting,
Subcommittee on Legislative Districts.
H.B. 2727, To Committee on Criminal Justice.
H.B. 2728, To Committee on Intergovernmental Relations.
H.B. 2779, To Committee on Intergovernmental Relations.
H.B. 2812, To Committee on Jurisprudence.

GUESTS PRESENTED

Senator Truan was recognized and introduced fifty-two students from various high schools of the Corpus Christi Independent School District: Richard King High School, W. B. Ray High School, Roy Miller High School and Mary Carroll High School.

These students, participating in the "Laureate Honors Program," were accompanied by their sponsor, Susan Utter.

The Senate welcomed these guests.

HOUSE CONCURRENT RESOLUTION 220

The President laid before the Senate the following resolution:

H.C.R. 220, Commending Bill Pinkney, Clyde McPhatter, Gerhart Thrasher and Andrew Thrasher, "The Original Drifters," on their exemplary record of accomplishment and extending best wishes for continued success.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(Senator Brooks in Chair)

SENATE RESOLUTION 675

Senator Turner offered the following resolution:

S.R. 675, Recognizing May 7, 1991, as Georgetown Day in Texas and extending a welcome to officials and citizens of Georgetown visiting the Capitol.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Turner introduced citizens from the Georgetown Chamber of Commerce.

The Senate welcomed these guests.

(President in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 6, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

On April 10, 1991, I nominated Peter Clifton Lewis of Dallas for appointment as a member of the State Securities Board for a term to expire January 20, 1997. Mr. Lewis has asked that his name be withdrawn; therefore, I request that the Senate return this appointment to me.

On March 26, 1991, I nominated Paulina M. Jacobo of Lubbock for appointment to the Texas Commission on Licensing and Regulation for a term to expire February 1, 1997. Ms. Jacobo has asked that her name be withdrawn; therefore, I request that the Senate return this appointment to me.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

NOMINATIONS RETURNED

On motion of Senator Barrientos and by unanimous consent, the Senate agreed to grant the request to return to the Governor the nominations of Peter Clifton

Lewis, to be a Member of the State Securities Board and Paulina M. Jacobo, to the Texas Commission on Licensing and Regulation.

THE SENATE OF THE STATE OF TEXAS

Betty King
Secretary of the Senate
May 7, 1991

The Honorable Ann W. Richards
Governor of Texas
Capitol Building
Austin, Texas

Dear Governor Richards:

During today's session, the Senate granted your request to return the following two appointments:

Peter Clifton Lewis of Dallas as a member of the State Securities Board

Paulina M. Jacobo of Lubbock to the Texas Commission on Licensing and Regulation

Respectfully,

/s/Betty King
Secretary of the Senate

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 7, 1991

**TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE PRODUCT COMMERCIALIZATION
ADVISORY BOARD, for a term to expire February 1, 1993:**

BERNICE J. WASHINGTON
4359 Highlander Drive
Dallas, Texas 75287

Ms. Washington will be replacing Brian L. Weiner of San Antonio, whose term expired.

**TO BE A MEMBER OF THE TEXAS HOUSING AGENCY BOARD OF
DIRECTORS, for a term to expire January 31, 1997:**

ARTHUR NAVARRO
2214 East 1st Street
Austin, Texas 78702

Mr. Navarro is being reappointed.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

**COMMITTEE SUBSTITUTE
SENATE BILL 981 ON SECOND READING**

The President laid out as unfinished business C.S.S.B. 981, the bill was read second time on Monday, May 6, 1991, and further consideration was postponed until 11:00 a.m. today.

C.S.S.B. 981, Relating to mitigation of adverse environmental impacts from the construction or maintenance of state highways.

Question—Shall the bill be passed to engrossment?

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 981 by adding a new Section 4 to read as follows and renumbering the subsequent section.

SECTION 4. This Act shall not be construed to prohibit, when deemed appropriate by the State Department of Highways and Public Transportation, the expenditure of funds for mitigation of indirect adverse environmental impacts resulting from the construction or maintenance of State Highways.

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 981, page 4, lines 12-13, by striking the words "State Purchasing and General Services Commission" and inserting in lieu thereof the words "General Land Office".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 981 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 981 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1531 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1531, Relating to the transfer of funds by certain state teaching hospitals and hospital districts and the use of those funds for the Medicaid disproportionate share program; making an appropriation.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 1531** as follows:

(1) On page 1, delete lines 33 through 38 and substitute in lieu thereof the following:

“(A) The University of Texas System Cancer Center;
(B) The University of Texas Medical Branch at Galveston; and
(C) The University of Texas Health Science Center at Tyler.”

(2) On page 1, delete lines 58 through 61 and substitute in lieu thereof the following:

“(1) The University of Texas System Cancer Center shall transfer \$525,000 in fiscal year 1990 and \$2,625,000 [~~the same amount~~] in fiscal year 1991 of the state general revenue appropriation made to the center.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1531 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1531** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced senior students from Canyon High School of New Braunfels and their teachers, Steve Crosby and Kathy Simmons.

The Senate welcomed these guests.

COMMITTEE SUBSTITUTE SENATE BILL 693 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 693, Relating to the procurement of professional services by the Texas Department of Health.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend **C.S.S.B. 693** by amending Section 1, paragraph (d) to read as follows:

(d) The department may award a grant, enter into a contract, or otherwise engage an individual or a group or association of individuals to perform professional services without complying with Subsection (c) if the commissioner by order ratified by the board at its next regular meeting determines that an emergency exists that

necessitates the use of different procedures. A grant, contract, or engagement under this subsection is effective only for the period specified by the commissioner's order.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 693 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 693 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Sims, joined by Senator Ratliff, was recognized and introduced a group of students from Sonora High School.

The Senate welcomed these guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1206 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1206, Relating to administration of insurance programs under the Texas Employees Uniform Group Insurance Benefits Act and the Texas State College and University Employees Uniform Insurance Benefits Act.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 1206** as follows:

(1) Add an appropriately numbered section to the bill to read as follows:

SECTION ____. The Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) is amended by adding Section 16A to read as follows:

Sec. 16A. ASSESSMENT FOR ADMINISTRATIVE COSTS. (a) The trustee may require each institution of higher education and each university or system that elects to participate as provided by Section 3(a)(4) of this Act to pay an annual assessment in an amount equal to the amount of the cost of administration and implementation of this Act as it relates to the institution, university, or system.

(b) The amount of the assessment paid by each institution, university, or system shall be based on the ratio that the total number of employees of the institution, university, or system bears to the total number of employees of all entities subject to the assessment.

(2) Renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1206 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1206 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President acknowledged the presence of Speaker of the House of Representatives Gib Lewis.

The Senate welcomed Speaker Lewis.

(Senator Brooks in Chair)

SENATE BILL 1425 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1425, Relating to the exemption from ad valorem taxation of certain property in an enterprise zone.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend **S.B. 1425** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.30 to read as follows:

Sec. 11.30. PROPERTY IN ENTERPRISE ZONE. (a) In this section, "enterprise zone goods" means property that under Article VIII, Section 1-k, of the Texas Constitution is exempted from ad valorem taxation by a county, junior college district, or municipality, including a home-rule municipality, and that is:

(1) transported from outside the state into the state in an enterprise zone or acquired by the property owner in the state in an enterprise zone to be transported outside the state, whether the intention to transport the property outside the state is formed or the destination to which the property is transported is specified when the property is acquired or the transportation into the state in an enterprise zone begins;

(2) detained in the state in an enterprise zone for assembling, storing, manufacturing, repair, maintenance, processing, or fabricating purposes;

(3) not located or retained in the state in an enterprise zone for longer than 175 days; and

(4) under the continuous ownership of the person who transports the property out of the state from the time the property is acquired by that person for transportation out of the enterprise zone.

(b) A person is entitled to an exemption from taxation of the appraised value of that portion of the person's inventory or property consisting of enterprise zone goods.

(c) The exemption provided by Subsection (b) is subtracted from the market value of the inventory or property determined under Section 23.12 to determine the taxable value of the inventory or property.

(d) Except as provided by Subsections (f) and (g), the chief appraiser shall determine the appraised value of enterprise zone goods under this subsection. The chief appraiser shall determine the percentage of the market value of inventory or property owned by the property owner in the preceding calendar year in the area constituting the enterprise zone that was contributed by enterprise zone goods. The chief appraiser shall apply that percentage to the market value of the property owner's inventory or property for the current year in the enterprise zone to determine the appraised value of enterprise zone goods for the current year.

(e) In determining the market value of enterprise zone goods that in the preceding year were assembled, manufactured, repaired, maintained, processed, or fabricated in the enterprise zone, the chief appraiser shall exclude the cost of equipment, machinery, or materials that entered into and became component parts of the enterprise zone goods but were not themselves enterprise zone goods or that were not transported outside the zone before the expiration of 175 days after they were brought into the zone by the property owner or acquired by the property owner in the zone. For component parts held in bulk, the chief appraiser may use the average length of time a component part was held in the zone by the property owner during the preceding year in determining whether the component parts were transported out of the zone before the expiration of 175 days.

(f) If the property owner was not engaged in transporting enterprise zone goods out of the zone for the entire preceding year, the chief appraiser shall calculate the percentage of cost described in Subsection (d) for the portion of the year in which the property owner was engaged in transporting enterprise zone goods out of the zone.

(g) If the property owner or the chief appraiser demonstrates that the method provided by Subsection (d) significantly understates or overstates the market value of the property qualified for an exemption under Subsection (b) in the current year, the chief appraiser shall determine the market value of the enterprise zone goods to be exempt by determining, according to the property owner's records and any other available information, the market value of those enterprise zone goods owned by the property owner on January 1 of the current year, excluding the cost of equipment, machinery, or materials that entered into and became component parts of the enterprise zone goods but were not themselves enterprise zone goods or that were not transported outside the enterprise zone before the expiration of 175 days after they were brought into the enterprise zone by the property owner or acquired by the property owner in the enterprise zone.

(h) The chief appraiser by written notice delivered to a property owner who claims an exemption under this section may require the property owner to provide copies of inventory or property records in order to determine the amount and value of enterprise zone goods. If the property owner fails to deliver the information requested in the notice before the 31st day after the date the notice is delivered to the property owner, the property owner forfeits the right to claim or receive the exemption for that year.

(i) The exemption provided by Subsection (b) of this section does not apply to a taxing unit that does not take action to exempt the property under Article VIII, Section 1-k, Subsection (b), of the Texas Constitution.

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect on January 1, 1992, and applies to ad valorem taxes levied for the 1992 tax year.

(b) This Act takes effect only if the constitutional amendment authorizing the exemption from ad valorem taxes of personal property that is assembled, stored,

repaired, maintained, manufactured, processed, or fabricated in an enterprise zone and subsequently transported outside the zone is approved by the voters at an election held on November 5, 1991; otherwise, this Act has no effect.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1425 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1425 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Truan.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 197, Memorializing the Congress of the United States to support the creation of the Center for the Study of Western Hemispheric Trade in the State of Texas and urging the passage of **S.B. 423**.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. George Ogdee of Spicewood as the "Doctor for the Day."

The Senate welcomed Dr. Ogdee and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 876, Relating to the eligibility of certain municipalities to adopt an additional sales and use tax to reduce property taxes.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 876** by striking SECTION 1 and inserting in lieu thereof the following:

SECTION 1. Sections 321.101(b) and (c), Tax Code, are amended to read as follows:

(b) A municipality that is not disqualified may, by a majority vote of the qualified voters of the municipality voting at an election held for that purpose, adopt an additional sales and use tax for the benefit of the municipality in accordance with this chapter. A municipality is disqualified from adopting the additional sales and use tax if the municipality:

(1) is included within the boundaries of a rapid transit authority created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes);

(2) is included within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), by a principal city having a population of less than 800,000;

(3) is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), by a principal city having a population in excess of 800,000, unless

(A) the city is a contiguous city; or

(B) the municipality is not included within the boundaries of the authority and is located wholly or partly in a county in which fewer than 250 persons are residents of both the county and the authority according to the most recent federal census; or

(C) the municipality is not and on January 1, 1991, was not included within the boundaries of the authority and said municipality had a population in excess of 67,000 as reported in the 1990 federal census; or

(4) imposes a tax authorized by 1118z Revised Statutes.

(c) For the purposes of Subsection (b), "principal city" and "contiguous city" have the meanings assigned by Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes).

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 876 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1129 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1129, Relating to the provision of emergency medical services; providing a criminal penalty.

The bill was read second time.

Senator Tejeda offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1129 as follows:

Amend Section 6 as follows:

(1) Amend Section 773.070(f), Health and Safety Code, to read as follows:

(f) All information received by the department under this section is privileged and confidential and is for the exclusive use of the department. Except on court order or with the written consent of the entity being investigated, the information may not be released or otherwise disclosed to any other person or agency. This subsection does not apply to information released under the provisions of subsection (i).

(2) Amend Section 773.070(h) to read as follows:

(h) A person commits an offense if the person releases or discloses any information received under this section except as provided by Subsections (f) or (i). An offense under this subsection is a Class B misdemeanor. An offense under this subsection is an offense involving official misconduct.

(3) Add Section 773.070(i) to read as follows:

(i) The criminal history record information received by the department from any law enforcement agency that requires the information to be kept confidential as a condition of release of the information is for the exclusive use of the department and is privileged and confidential. The criminal history record information obtained by the department from any law enforcement agency requiring the information to be kept confidential as a condition of release of the information may not be released or otherwise disclosed to any person or agency except in a criminal proceeding, in a hearing conducted by the department, on court order or with the consent of the applicant. Information that is in a form available to the public is not privileged or confidential under this subsection and is subject to public disclosure.

The amendment was read and was adopted by a viva voce vote.

Senator Tejeda offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1129 as follows:

Amend Section 7 by adding Section 773.091(g), Health and Safety Code, as follows:

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services. Nothing in this subsection shall be construed as requiring or permitting emergency services personnel to make a diagnosis.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1129 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1129 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1249 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1249, Relating to services for the aged and disabled.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1249 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1249 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 952 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 952, Relating to decedents' estates.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 952 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 952** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1528 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1528, Relating to marketable record title.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1528 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1528** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1319 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1319, Relating to the registration and titling of vessels and outboard motors and to repeal of conflict of the Water Safety Act.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1319** in the following manner:

Insert on page 3, line 22 after the word "sailboard," and before the words "swimming toy," the following language: "vessels 14 feet and under unless motorized by an outboard motor, punts,"...

The amendment was read and was adopted by the following vote: Yeas 16, Nays 12.

Yeas: Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Lyon, Parker, Sibley, Truan, Whitmire.

Nays: Armbrister, Brown, Krier, Leedom, Lucio, Moncrief, Montford, Ratliff, Rosson, Sims, Tejeda, Zaffirini.

Absent: Harris of Dallas, Henderson, Turner.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1319 in the following manner:

Add on page 4, line 1 after the word "chapter." the following language: ", unless requested by the owner."

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1319 in the following manner:

Insert on page 13, lines 4 through 15 new paragraphs (c) and (d) to read as follows:

"(c) The ownership of a vessel, other than those 14 feet long and under, or of an outboard motor, other than an outboard motor having a manufacturer's rating of 12 or less horsepower, may, but is not required to be, evidenced by a certificate of title issued by the department, unless the vessel or outboard motor is new. All other outboard motors must be evidenced by a certificate of title issued by the department unless exempted by paragraph (f) of this section."

"(d) The ownership of a new vessel, other than those 14 feet and under, or of a new outboard motor, other than an outboard motor having a manufacturer's rating of 12 horsepower or less horsepower, may, but is not required to be, evidenced by a manufacturer's or importer's certificate executed on a form required by the department. All other vessels or outboard motors must be evidenced by a manufacturer's or importer's certificate executed on a form prescribed by the department unless exempted of paragraph (f) of this section."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1319 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1319 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting “Nay” on the final passage of the bill.

HOUSE BILL 1313 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1313, Relating to the composition of the juvenile board of Smith County.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **H.B. 1313** by adding the following and renumber accordingly:

Section 2. Subsection (a) of Section 152.2051, Human Resources Code, is amended to read as follows:

(a) The Rockwall County Juvenile Board is composed of the county judge, district judges and the criminal district attorney in Rockwall County.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1313 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1313** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1459 ON SECOND READING

Senator Montford moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1459, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Green.

Absent: Brooks.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1459 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1459** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Green.

Absent: Brooks.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Green asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1533 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1533, Authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise, certain properties to be used for campus expansion and university purposes in The University of Texas System; vesting title in The University of Texas System; providing that this act shall be cumulative; providing for severability, repealing all laws in conflict; and declaring an emergency.

The bill was read second time.

Senator Harris of Tarrant offered the following amendment to the bill:

Amend **S.B. 1533** by striking all below the enacting clause and substituting the following:

SECTION 1. The Board of Regents of The University of Texas System may acquire by purchase, exchange, gift, or otherwise, for campus expansion and other university purposes, all or part of the parcel of land described as:

Being a part of Block "A", COLLEGE HILLS ADDITION to the City of Arlington, Tarrant County, Texas, and being further described as follows:

BEGINNING at Northwest corner of said Block "A";

THENCE North 75 deg. 45 min. East along North line of Block "A", 272.3 ft. to iron pin at Northeast corner of said Block "A";

THENCE south 0 deg. 04 min. East 170.5 ft. to northeast corner of tract conveyed by C. H. Wilemon, et al to Bishop of Protestant Episcopal Church as shown by deed dated 3-25-54, recorded Vol. 2692, pg. 441, Deed Records, Tarrant County, Texas;

THENCE North 89 deg. 25 min. West 262.2 ft. along North line of said tract to point in East line of Davis Drive and West line of said Block "A", same being Northwest corner of said tract conveyed to Bishop of Protestant Episcopal Church;

THENCE North along West line of said Block "A", 100 ft., more or less, to place of beginning and being all of the property which Stewart W. DeVore and C. H. Wilemon, Jr. conveyed by deed dated 4-28-56 to Great Southwest Corporation and which Great Southwest Corporation subsequently conveyed to Bessie B. Knapp, a widow, on May 1, 1956, recorded in Vol. 2987, pg. 202, Deed Records, Tarrant County, Texas.

SECTION 2. The title to the land shall be taken in the name of the Board of Regents of The University of Texas System and shall be subject to the control and management of the board in the manner and to the extent that the lands now owned by The University of Texas System in fee simple are held and controlled.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1533 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1533 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1412 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1412, Relating to emergency medical care and services and certain hospital district personnel, including peace officers.

The bill was read second time.

Senator Tejeda offered the following amendment to the bill:

Amend **C.S.S.B. 1412** as follows:

Amend Section 3 by amending Section 773.003(19), Health and Safety Code, as follows:

Between the words "medical" and "condition", insert the words "or traumatic".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1412 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1412** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President acknowledged the presence of former State Senator Hugh Parmer.

The Senate welcomed Senator Parmer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1053 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1053, Relating to the prevention and remediation of coastal erosion, the protection of coastal resources, the protection and enhancement of the public's common law rights of access to and use of public beaches, and the preservation of sand dunes for storm protection and conservation purposes.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1053** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. SHORT TITLE. This Act shall be known as and may be cited as the Coastal Management Plan for Beach Access Preservation and Enhancement, Dune Protection, and Coastal Erosion.

SECTION 2. POLICY. The legislature recognizes that the coast is a fragile, dynamic environment that is constantly changing in reaction to human and natural influences. Sand dunes on the seaward shore of the Gulf of Mexico are an irreplaceable part of that environment and serve a vital function by protecting barrier islands and coastal land from storms and floods. The legislature further recognizes that storms and erosion of beach and bay shorelines can harm the environment, recreation and tourism, agriculture, industry, recreational and commercial fisheries, waterborne transportation, and property interests. The legislature finds it desirable and appropriate to mitigate human impacts on dunes and beach and bay shorelines and minimize damage from coastal storms.

The legislature recognizes this state's longstanding commitment to preserving and enhancing the public's right of access to and use of beaches, which is established under the common law by dedication, prescription, estoppel, and custom. This commitment is fundamental to the continued enjoyment of the beaches by Texans, as well as to the economic development of tourism in the state. Therefore, the legislature finds it desirable and appropriate to provide for additional procedures to preserve and protect these beaches and the public's access to and use of them.

SECTION 3. Chapter 33, Natural Resources Code, is amended to add Subchapter H to read as follows:

SUBCHAPTER H. COASTAL EROSION

Section 33.601. Coastal Erosion Duties and Authority. (a) The land office shall act as the lead agency for the coordination of coastal erosion avoidance, remediation, and planning. The commissioner shall ensure that erosion avoidance, remediation, and planning protect the common law rights of the public in public beaches as affirmed by Subchapter B, Chapter 61 of this code.

(b) The commissioner shall, in coordination with state and federal agencies and local governments, promulgate rules, recommendations, standards, and guidelines for erosion avoidance and remediation and for prioritizing critical coastal erosion areas. The commissioner shall identify critical coastal erosion areas and establish recommendations, standards, and guidelines for coastal erosion avoidance and remediation in those areas.

Section 33.602. Coastal Erosion Projects. (a) The land office shall engage in erosion demonstration projects and studies in conjunction with other state agencies,

local governments and federal agencies, including the United States Army Corps of Engineers.

(b) Such projects and studies shall address the feasibility, cost, and financing of different methods of avoiding, slowing or remedying coastal erosion, including but not limited to the following:

(1) selective placement and stockpiling of beach-quality dredged material where appropriate to replenish eroded beach, bay and dune areas;

(2) guidelines on grain size and toxicity level;

(3) establishment of beach nourishment projects as a method of flood control;

(4) promoting the protection, revegetation and restoration of dunes;

(5) the planting of vegetation as a means of inhibiting bayshore erosion and projects developing and cultivating disease resistant vegetation adapted to local conditions;

(6) decreasing the current deficiency in the sand budget;

(7) the feasibility of constructing new dams, jetties, groins and other impoundment structures with sediment bypassing systems;

(8) the feasibility of retrofitting existing impoundment structures to allow sediment bypassing;

(9) estimating the quantity and quality of sediment trapped by reservoirs and identification of the sediment sources;

(10) decreasing and eliminating human-induced subsidence by means including, but not limited to, evaluating the consequences of limiting groundwater withdrawals and maintaining adequate pressure in hydrocarbon reservoirs, consistent with proper petroleum reservoir engineering principles and applicable regulatory requirements; and

(11) giving preference to and encouraging "soft" methods of avoiding, slowing, or remedying erosion in lieu of erecting hard or rigid shorefront structures.

Section 33.603. Grants and Gifts. The commissioner may apply for, request, solicit, contract for, receive and accept gifts, grants, donations and other assistance from any source to carry out the powers and duties provided by this subchapter.

Section 33.604. Coastal Erosion Public Awareness and Education. (a) The land office shall be responsible for and shall coordinate with other agencies to increase public awareness through public education concerning the causes of erosion; the consequences of erosion; the importance of barrier islands, dunes and bays as a natural defense against storms and hurricanes; and erosion avoidance techniques.

(b) The commissioner, in cooperation with the University of Texas Bureau of Economic Geology and local county and municipal governments for each coastal county, shall jointly quantify the erosion rates at each location along the shore of the Gulf of Mexico, prepare a plan for establishing and implementing a building set-back line that will accommodate a 50-year shoreline retreat, and report back to the legislature with recommendations.

SECTION 4. Section 61.001, Natural Resources Code, is amended to read as follows:

Section 61.001. Definitions. In this chapter:

(1) "Commissioner" means the Commissioner of the General Land Office.

(2) "Construction" means causing or carrying out any building, bulkheading, filling, clearing, excavation or any substantial improvement to land or the size of any structure.

(3) "Department" means the Parks and Wildlife Department.

(4) "Land office" means the General Land Office.

(5) [(2)] "Line of vegetation" means the extreme seaward boundary of natural vegetation which spreads continuously inland.

~~[(3) "Highest wave" means the highest swell of the surf with such regularity that vegetation cannot grow and does not refer to the extraordinary waves which temporarily extend above the line of vegetation during storms and hurricanes.]~~

~~(6)[(4)] "Littoral owner" means the owner of land adjacent to the shore and includes a lessee, licensee, or anyone acting under the littoral owner's authority.~~

~~(7) "Local government" means a municipality, county or any other political subdivision of the state.~~

~~(8) [(5)] "Public beach" means any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.~~

SECTION 5. Section 61.011, Natural Resources Code, is amended to read as follows:

Section 61.011. ~~[Public] Policy and Rules.~~

(a) It is declared and affirmed to be the public policy of this state that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the state-owned beaches bordering on the seaward shore of the Gulf of Mexico, or if the public has acquired a right of use or easement to or over an area by prescription, dedication, or has retained a right by virtue of continuous right in the public, the public shall have the free and unrestricted right of ingress and egress to the larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico.

(b) The legislature recognizes that in order to provide and maintain public facilities and public services to enhance access to and safe and healthy use of the public beaches by the public, adequate funds are required to provide public facilities and public services. Any local government responsible for the regulation, maintenance and use of such beaches may charge reasonable fees pursuant to its authority to cover the cost of discharging its responsibilities with respect to such beaches, provided such fees do not exceed the cost of such public facilities and services, and do not unfairly limit public access to and use of such beaches.

(c) The attorney general shall strictly and vigorously enforce the prohibition against encroachments on and interferences with the public beach easement. The attorney general shall develop and publicize an enforcement policy to prevent and remove any encroachments and interferences on the public beach. The land office may assist the attorney general in enforcing this subchapter.

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

(1) acquisition by local governments or other appropriate entities, or public dedication of, access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subsection (d)(6) of this section;

(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;

(4) imposition of beach access, user, or parking fees and reasonable exercises of the police power by local governments with respect to public beaches;

(5) contents and certification of beach access and use plans, and standards for local government review of construction on land adjacent to and landward of public beaches; and

(6) construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the beach or to any closer public road not parallel to the beach, or to within 1000 feet of mean high tide, whichever is greater, that affects or may affect public access to and use of public beaches.

(e) The commissioner may not adopt a proposed rule or any provision of a proposed rule, including any certification under this subchapter, if the attorney general has certified in writing that the rule or provision would allow encroachments on public beaches or obstructions, barriers, or restraints to public access and use of public beaches contrary to the policies declared and affirmed in this section.

SECTION 6. Section 61.013, Natural Resources Code, is amended to read as follows:

Section 61.013. ~~Prohibition [of Obstructions].~~

(a) It is an offense against the public policy of this state for any person to create, erect, or construct any obstruction, barrier, or restraint that will interfere with the free and unrestricted right of the public, individually and collectively, lawfully and legally:

(1) to enter or to leave any public beach[;] or

(2) to use ~~[lawfully and legally]~~ any public beach or any larger area abutting on or contiguous to a public beach if the public has acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public.

(b) Unless properly certified as consistent with this subchapter, no person may cause, engage in, or allow construction landward of and adjacent to a public beach within the area described in Section 61.011(d)(6) of this code in a manner that will or is likely to adversely affect public access to and use of the public beach. The prohibition in this subsection takes effect only upon adoption of final rules by the commissioner under Section 61.011 of this code.

(c) For purposes of this section, "public beach" shall mean any beach bordering on the Gulf of Mexico ~~that [which]~~ extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of Mexico, or such larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom. This definition does not include a beach ~~that [which]~~ is not accessible by a public road or public ferry as provided in Section 61.021 of this code.

~~[(c) A person who creates, erects, or constructs an obstruction, barrier, or restraint in violation of Subsection (a) of this section is liable to the state for a civil penalty of not less than \$50 nor more than \$1,000:~~

~~(d) This section does not apply to any obstruction, barrier, or restraint placed on an area defined in Subsection (a) of this section by a county under Chapter 63 of this code for the purpose of establishing or reestablishing sand dunes.]~~

SECTION 7. Section 61.014, Natural Resources Code, is amended to read as follows:

Section 61.014. Denial of Access by Posting. (a) As used in this section, "public beach" means the area extending from the line of mean low tide of the Gulf of Mexico to the line of vegetation bordering on the Gulf of Mexico, or to a line 200 feet inland from the line of mean low tide, whichever is nearer the line of mean low tide, if the public has acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public.

(b) No ~~[Any]~~ person may display or cause ~~[who displays or causes]~~ to be displayed on or adjacent to any public beach any sign, marker, or warning or ~~make [who shall make]~~ or ~~cause to be [have]~~ made any written or oral communication which states that the public beach is private property or represent ~~[who states]~~ in any other manner that the public does not have the right of access to the public beach ~~as [in violation of the lawful access rights of the public]~~ guaranteed by this subchapter ~~[is liable to the state for a civil penalty of not less than \$50 nor more than \$1,000].~~

~~[(c) Each day the communication is made constitutes a separate offense.~~

~~(d) Any person who violates this section shall be prosecuted in the county in which the public beach is located.~~

~~(e) This section does not apply to any island or peninsula that is not accessible by public road or common carrier ferry facility so long as that condition exists.]~~

SECTION 8. Section 61.015, Natural Resources Code, is amended to read as follows:

Section 61.015. Beach Access and Use Plans.

(a) Each local government with ordinance authority over construction adjacent to public beaches, and each county that contains any area of public beach within its boundaries shall adopt a plan for preserving and enhancing access to and use of public beaches within the jurisdiction of the local government. Such beach access and use plans must be consistent with the policies in Section 61.011 of this code and the rules promulgated thereunder and Chapter 63 of this code, and shall to the greatest extent practicable incorporate the local government's ordinary land use planning procedures. A municipality may adopt and apply any appropriate ordinances within its extraterritorial jurisdiction to effect the purposes of this subchapter.

(b) Local governments shall submit proposed beach access and use plans to the commissioner for certification as to compliance with such policies and rules, and to the attorney general for review and comment. The commissioner shall act on a local government's proposed beach access and use plan within 60 days of submission by either approving the plan or denying certification. In the event of denial, the commissioner shall send the proposed plan back to the originating local government with a statement of specific objections and reasons for denial, along with suggested modifications. Upon receipt, the local government shall revise and resubmit the plan. The commissioner's certification of local government plans shall be by adoption into the rules under Section 61.011 of this code.

(c) A littoral owner proposing construction adjacent to and landward of a public beach in the area described in Section 61.011(d)(6) of this code shall submit a development plan to the appropriate local government. The local government shall forward the development plan to the commissioner and the attorney general no less than 10 working days prior to acting on the development plan. The commissioner or the attorney general may submit comments on the proposed construction to the local government.

(d) The local government shall review the proposed development plan and the commissioner's and attorney general's comments and other information the local government may consider useful to determine consistency with the local government's beach access and use plan.

(e) If the proposed construction is required to be permitted by the local government under Chapter 63 of this code, the local government shall consider the issuance of the permit concurrently with the certification under this section, unless otherwise provided by rules promulgated under Section 61.011 of this code.

(f) The local government, after considering all appropriate information, shall make the determination and shall certify that the construction as proposed either is consistent with the local government's beach access and use plan, or is

inconsistent with the local government's beach access and use plan, in which case the local government must specify how the construction is inconsistent with the plan.

(g) The local government may include in the certification any reasonable terms and conditions it finds necessary to assure adequate public beach access and use rights consistent with Chapter 63 of this code.

(h) The requirements of this section take effect only upon adoption of final rules by the commissioner under Section 61.011 of this code. [Satisfaction of Ingress and Egress Requirement. The requirement of free and unrestricted right of ingress and egress over an area landward of the line of vegetation is considered fully satisfied by access roads or ways which are in existence now and available to the public or which by or with the approval of any governmental authority having jurisdiction may be provided in the future.]

SECTION 9. Section 61.016, Natural Resources Code, is amended to read as follows:

Section 61.016. Boundaries for Areas With No Marked Vegetation Line. (a) To determine the "line of vegetation" [elevation reached by the highest waves of the Gulf of Mexico;] in any area of public beach in which there is no clearly marked line of vegetation [line] (for instance, a line immediately behind well-defined dunes or mounds of sand and at a point where vegetation begins) recourse shall be to the nearest clearly marked line of vegetation on each side of the unmarked area.

(b) The "line of vegetation" for the unmarked area shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side.

(c) If the elevation of the two points on each side of the area are not the same, the extension defining the "line of vegetation" [reached by the highest waves of the Gulf] shall be the average elevation as between the two points, but if there is no clearly marked line of vegetation, the [extended] "line of vegetation" shall not extend inland further than 200 feet from the line of mean low tide.

SECTION 10. Section 61.018, Natural Resources Code, is amended to read as follows:

Section 61.018. Enforcement. [Suit to Remove Obstructions]

(a) The attorney general, individually or at the request of the commissioner, or any county attorney, district attorney, or criminal district attorney shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, [or] barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter [restraint or interference which restricts the right of the public, individually or collectively, to free and unrestricted ingress and egress to and from any area described in Section 61.012 of this code or any property abutting on or contiguous to the state-owned beach on which the public has acquired a prescriptive right].

(b) In the same suit, the attorney general, the commissioner, county attorney, district attorney, or criminal district attorney may recover penalties and [seek recovery of] the costs of removing any improvement, obstruction, [or] barrier, or other encroachment if it is removed by public authorities pursuant to an order of the court.

(c) A person who violates this chapter is liable for a civil penalty of not less than \$50 nor more than \$1,000. Each day the violation occurs or continues is a separate violation.

(d) The attorney general, either individually or at the request of the commissioner or any county attorney, may bring a suit for a declaratory judgment to try any issue affecting the public's right of access to or use of the public beach.

SECTION 11. Section 61.020, Natural Resources Code, is amended to read as follows:

Section 61.020. Prima Facie Evidence. In a suit brought or defended under this subchapter or whose determination is affected by this subchapter, a showing that the area in question is located in the area from mean low tide to the line of vegetation is prima facie evidence that:

(1) the title of the littoral owner does not include the right to prevent the public from using the area for ingress and egress to the sea; and

(2) there is impressed on the area[~~subject to proof of easement;~~] a common law [prescriptive] right or easement in favor of the public for ingress and egress to the sea.

SECTION 12. Section 61.022, Natural Resources Code, is amended to read as follows:

Section 61.022. Government Agencies and Subdivisions. [~~Exemption for Certain Structures.~~]

(a) The provisions of this subchapter do not prevent any agency, department, institution, subdivision, or instrumentality of this state or of the federal government from erecting or maintaining any groin, seawall, barrier, pass, channel, jetty, or other structure as an aid to navigation, protection of the shore, fishing, safety, or other lawful purpose authorized by the constitution or laws of this state or the United States.

(b) No local government may regulate vehicular traffic so as to prohibit vehicles from an area of public beach, or impose or increase public beach access, parking, or use fees, in any manner inconsistent with the policies of Section 61.011 of this code or the rules promulgated thereunder.

(c) A local government proposing to adopt or amend such vehicular traffic regulations, except those for public safety, or fees shall submit a plan detailing the proposed action to the attorney general and the commissioner for review. The commissioner shall certify whether the proposed action is consistent or inconsistent with such policies and rules. Certifications of consistency shall be by adoption into the rules promulgated under Section 61.011 of this code.

(d) Subsections (b) and (c) of this section take effect only upon adoption of final rules by the commissioner under Section 61.011 of this code. Subsections (b) and (c) of this section do not apply to any existing local government traffic regulation or beach access, parking, or use fee adopted or enacted before the effective date of Subsections (b) and (c), and the former law is continued in effect for the purpose of such existing regulations and fees, until such regulations or fees are amended or changed in whole or in part.

(e) State owned or public land not specifically exempted by this chapter shall be subject to the same requirements of this chapter as land owned by private littoral owners except as provided by Section 31.161 through 31.167 of this code.

SECTION 13. Chapter 61, Natural Resources Code, is amended by adding Section 61.026, to read as follows:

Section 61.026. Beach Access Public Awareness and Education.

(a) The land office in conjunction with the State Department of Highways and Public Transportation shall design and produce a uniform bilingual beach access sign to be used by local governments to designate access ways to and from public beaches.

(b) The land office or the attorney general's office may develop and distribute public information about the requirements of this chapter, the importance of natural beach and dune systems and the necessity for preserving them. Such information may include public service announcements made under the direction of the land office.

(3) The Texas A&M University Sea Grant Program shall make available to public schools, materials for natural science classes which explain the importance of natural beach and dune systems and the necessity of preserving them.

SECTION 14. Section 61.122, Natural Resources Code, is amended by adding Subsection (d) to read as follows:

(d) Regulation under Subsection (a) of this section that prohibits vehicles from an area of public beach is subject to Section 61.022 of this chapter.

SECTION 15. Section 61.129, Natural Resources Code, is amended to read as follows:

Section 61.129. Ordinance Prevails Over Order and State Law.

(a) Except as provided in Section 61.022 of this chapter, [F]this subchapter does not limit the power of an incorporated city, town, or village bordering on the Gulf of Mexico or any adjacent body of water to regulate motor vehicle traffic and prohibit littering on any beach within its corporate limits.

(b) If these regulatory ordinances are adopted by a city, town, or village and the ordinance conflicts with the general law of the state or with an order of the commissioners court adopted under this subchapter, and the ordinance is consistent with policies and rules under Section 61.011 of this code, the ordinance shall control over the state law and the order, and in cases of violation, prosecution may be maintained only under the ordinance.

SECTION 16. Section 63.001, Natural Resources Code, is amended to read as follows:

Section 63.001. Findings of Fact. The legislature finds and declares:

(1) that the mainland gulf shoreline, barrier islands, and peninsulas of this state contain a significant portion of the state's human, natural, and recreational resources;

(2) that these areas are, and historically have been wholly or in part protected from the action of the water of the Gulf of Mexico and storms on the Gulf by a system of [natural or artificially constructed] vegetated and unvegetated sand dunes that provide a protective barrier for adjacent land and inland water and land against the action of sand, wind, and water;

(3) that certain persons have from time to time modified or destroyed the effectiveness of the protective barriers and caused environmental damage in the process of developing the shoreline for various purposes;

(4) that the operation of recreational vehicles and other activities over these dunes have [has] destroyed the natural vegetation on them;

(5) that these practices constitute serious threats to the safety of adjacent properties, to public highways, to the taxable basis of adjacent property and constitute a real danger to natural resources and to the health, safety and welfare of persons living, visiting, or sojourning in the area;

(6) that it is necessary to protect these dunes as provided in this chapter because stabilized, vegetated dunes offer the best natural defense against storms and are areas of significant biological diversity;

(7) that vegetated stabilized dunes help preserve state-owned beaches and shores by protecting against erosion of the shoreline;

(8) that different areas of the coast are characterized by dunes of various types and values, all of which should be afforded protection. [the area bounded on the north by the Mansfield Ship Channel and extending to the southern tip of South Padre Island is an area of irregular dunes, the vast majority of which are unvegetated, unstable, and migratory, and these dunes do not afford significant protection to persons and property inland from this area; and]

[(9) that the area bounded on the north by the inlet known as Aransas Pass and on the south by the Mansfield Ship Channel is an area of a mixture of irregular dunes as described in Subdivision (8) of this section and dunes that afford protection to persons and property inland.]

SECTION 17. Section 63.011, Natural Resources Code, is amended to read as follows:

Section 63.011. Establishing Dune Protection Line.

(a) After notice and hearing, the commissioners court of each [any] county ~~[bordering on the Gulf of Mexico]~~ that has within its boundaries mainland shoreline, a barrier island, or a peninsula located on the seaward shore of the Gulf of Mexico shall ~~[north of the Mansfield Ship Channel may]~~ establish a dune protection line on any such [the] shoreline, island, or peninsula within its boundaries for the purpose of preserving sand dunes ~~[that offer a defense against storm water and erosion]~~.

(b) A county may allow a municipality within the county to administer this chapter within its corporate limits and extraterritorial jurisdiction. Upon delegation by a county, a municipality may adopt and apply any appropriate ordinances within its extraterritorial jurisdiction to effect the purposes of this chapter.

(c) Municipalities and counties may enter into interlocal cooperation contracts for the administration of dune permit programs under Article 4413(32c), Revised Statutes.

(d) The land office may assist and advise counties and municipalities in establishing or altering dune protection lines.

SECTION 18. Section 63.014, Natural Resources Code, is amended to read as follows:

Section 63.014. Map and Description of Dune Protection Line. (a) The commissioners court or governing body of each municipality in establishing a dune protection line shall define the line by presenting it on a map or drawing, by making a written description, or by both. Each shall be designated appropriately and filed with the [county] clerk of the county or municipality establishing the line and with the commissioner.

(b) Notice of alterations in the dune protection line shall be filed with the [county] clerk and with the commissioner, and the appropriate changes shall be made on the map, drawing, or description.

SECTION 19. Section 63.015, Natural Resources Code, is amended to read as follows:

Section 63.015. Dune Protection Line Prohibited. No dune protection line may be established within ~~[for the purpose of protecting dunes located inside]~~ a state or national park area, wildlife refuge, or other designated state or national natural area; provided, however, any state-owned or other public land not specifically exempted by this section shall be subject to the same requirements as private lands except as provided in Section 31.161 through 31.167 of this code.

SECTION 20. Section 63.051, Natural Resources Code, is amended to read as follows:

Section 63.051. Permit Requirement. An owner of land or a person holding an interest in land under the owner who desires to perform or allow any of the acts ~~[on the land which are]~~ prohibited in Section ~~[Sections]~~ 63.091 ~~[through 63.092]~~ of this code must apply for a permit from the appropriate commissioners court or municipal governing body.

SECTION 21. Section 63.053, Natural Resources Code, is amended to read as follows:

Section 63.053. Fees [Fee]. (a) The commissioners court or governing body of the municipality may require a reasonable fee to accompany the application.

(b) Any commissioners court or governing body of a municipality that has adopted a dune protection line and is administering this chapter and that has a certified beach access plan as provided for in Section 61.015 of this code is hereby authorized subject to all requirements of Chapter 61 of this code, to charge reasonable fees that do not exceed the cost for the provision and maintenance of

public beach related facilities and services necessary to implement such plans including but not limited to parking, public health and safety, environmental protection and matters contained in the certified beach access plans, and that do not unfairly limit access to and use of such beaches.

SECTION 22. Section 63.054, Natural Resources Code, is amended to read as follows:

Section 63.054. Review [Grant of Application]. (a) The commissioners court or governing body of the municipality shall evaluate the permit application, and if the commissioners court or governing body of the municipality finds as a fact after full investigation that the particular conduct proposed will not materially weaken the dune or materially damage vegetation on the dune, or reduce its effectiveness as a means of protection from the effects of high wind and water, it may grant the permit [application].

(b) In determining whether or not to grant the permit [application], the commissioners court or governing body of the municipality shall consider the height, width, and slope of the dune, any significant environmental features of the dune, [and] the feasibility and desirability [restoration] of [protection affected by construction as well as the] restoration of vegetation, cumulative impacts, and shall consider requirements for protection of critical dune areas.

(c) Each county or municipality administering this chapter shall establish procedures and requirements governing the review and approval of dune permits and these procedures and requirements shall be submitted to the commissioner and attorney general for their comments.

SECTION 23. Section 63.055, Natural Resources Code, is amended to read as follows:

Section 63.055. Terms and Conditions of Permit. The commissioners court or governing body of the municipality may include in a permit the terms and conditions it finds necessary to assure the protection of life, natural resources, and property.

SECTION 24. Section 63.056, Natural Resources Code, is amended to read as follows:

Section 63.056. Notice to and Comments of Commissioner on Permits. (a) After receiving an application for a permit to perform any of the acts prohibited in Section [Sections] 63.091 [through 63.092] of this code [in a critical dune area], the commissioners court or the governing body of the municipality shall notify the commissioner by sending [to him], not less than 10 working days before the public hearing on the application, notice of the hearing and a copy of the application.

SECTION 25. Section 63.057, Natural Resources Code, is amended to read as follows:

Section 63.057. Permit for Certain Activity [Recreational Vehicle] Prohibited. (a) No permit may be issued [by the commissioners court] that allows the operation of a recreational vehicle on a sand dune seaward of the dune protection line.

(b) No permit may be issued that allows any activity in a critical dune area inconsistent with rules promulgated by the commissioner for protection of critical dune areas.

SECTION 26. Section 63.091, Natural Resources Code, is amended to read as follows:

Section 63.091. Conduct Prohibited [Between the Texas-Louisiana State Line and Aransas Pass]. Unless a permit is properly issued [obtained] authorizing the conduct, no person [in any county in the area bounded on the south by the inlet known as Aransas Pass and on the north by the Texas-Louisiana state line, where a dune protection line has been established;] may damage, destroy, or remove a sand

dune or portion of a sand dune ~~[on a barrier island or peninsula]~~ seaward of a ~~[the]~~ dune protection line or within a critical dune area or kill, destroy, or remove in any manner any vegetation growing on a sand dune seaward of a ~~[the]~~ dune protection line or within a critical dune area.

SECTION 27. Section 63.092, Natural Resources Code, is repealed.

SECTION 28. Subchapter E, Chapter 63, Natural Resources Code, is amended to read as follows:

SUBCHAPTER E. CRITICAL DUNE AREAS.

Section 63.121. Identification of Critical Dune Areas. The commissioner, in his role as trustee of the public land of this state, shall identify the critical dune areas within 1000 feet of mean high tide that are essential to the protection of state-owned land, public beaches [shores], and submerged land. The commissioner shall promulgate rules for the identification and protection of critical dune areas.

Section 63.122. Notice to Counties. After the commissioner has identified the critical dune areas, notice of the critical areas and the rules for their protection shall be given to the commissioners court of each county and the governing body of each municipality in which one or more of these areas is located.

SECTION 29. Subchapter F, Chapter 63, Natural Resources Code, is amended to read as follows:

SUBCHAPTER F. APPEALS

Section 63.151. Appeal by Littoral Owner. A littoral owner aggrieved by a decision of the commissioners court or governing body of the municipality under this chapter may appeal to a district court in that county.

Section 63.152. Appeal by Commissioner. The commissioner~~[-, in his role as trustee of the public land of this state,]~~ may appeal to a district court of that county any decision of the commissioners court or governing body of the municipality that the commissioner determines to be a violation of this chapter.

SECTION 30. Section 63.181, Natural Resources Code, is amended to read as follows:

Section 63.181. Enforcement [Penalty]. (a) The attorney general, individually or at the request of the commissioner, or any county attorney, district attorney, or criminal district attorney shall file in a district court of Travis County, or in the county in which the violation occurred, a suit to obtain either a temporary or permanent court order or injunction to prohibit and remedy any violation of this chapter, or any rule, permit, or order under this chapter, and to collect damages to natural resources injured by the violation, and to recover civil penalties [A person who violates the provisions of this chapter shall be fined not more than \$200].

(b) A person who violates this chapter, or any rule, permit, or order under this chapter is liable for a civil penalty of not less than \$50 nor more than \$1,000. Each day that a violation occurs or continues constitutes a separate offense.

SECTION 31. Section 33.051, Natural Resources Code, is amended to read as follows:

Section 33.051. General Duty. The board~~[-, with the technical staff]~~ and ~~[assistance of the planning division and other staff of]~~ the land office~~[:]~~ shall perform the duties provided in this subchapter.

SECTION 32. Section 33.052, Natural Resources Code, is amended to read as follows:

(a) The commissioner [board] shall develop a continuing comprehensive management program pursuant to the policies stated in Section 33.001 of this code.

(b) In developing the program, the [The] land office shall act as the lead agency to coordinate and develop a long-term plan for the management of uses affecting [Texas] coastal conservation areas [public land], in cooperation with other state agencies that have duties relating to coastal matters, including the Parks and Wildlife Department, the attorney general's office, the Texas Water Commission,

the Texas Water Development Board, the State Department of Highways and Public Transportation, and the Railroad Commission of Texas. The plan shall implement the policies stated in Section 33.001 of this code and shall include the elements listed in Section 33.053 of this code.

(c) The land office may appoint and establish procedures for an advisory committee to advise the land office ~~[or the board]~~ on coastal management issues. The advisory committee may only include persons with expertise in coastal matters and persons who live in the coastal area. A member of the advisory committee serves at the pleasure of the land office. A member is not entitled to compensation for services performed as a member of the committee but may receive ~~[is entitled to]~~ reimbursement from land office funds for actual and necessary expenses incurred in attending meetings of the advisory committee.

(d) For purposes of Subsections (a) and (b) ~~[and (c)]~~ of this section, “coastal conservation areas ~~[public land]~~” includes beaches and critical dune areas bordering on the seaward shore of the Gulf of Mexico; coastal public submerged lands; washover channels on barrier islands; historic areas, parks, wildlife refuges, preserves, and other such designated natural resource management areas within the coastal area; ~~[;]~~ the water of the open Gulf of Mexico, and the land lying beneath that water ~~[to the extent that the beaches, water, and land are]~~ within the jurisdiction of the state.

(e) The land office may adopt rules to implement this section.

(f) This section does not add to or subtract from the duties and responsibilities of a state agency other than the land office and the board.

(g) The land office shall, on September 1 of even numbered years, present a biennial report to the legislature outlining the status of coastal problems, issues, and programs.

SECTION 33. Section 33.054, Natural Resources Code, is amended to read as follows:

Section 33.054. Review and Amendment of Management Program. The commissioner ~~[board]~~ may review the management program as new information or changed conditions warrant.

SECTION 34. Section 33.055, Natural Resources Code, is amended to read as follows:

Section 33.055. Public Hearings to Consider Management Program. (a) In developing the management program, after due notice to affected persons ~~[tidal owners]~~ and the public generally, the commissioner ~~[board]~~ shall hold or have held public hearings, as the commissioner ~~[in the number and at locations it]~~ determines to be appropriate.

(b) In reviewing or amending the management program, the commissioner ~~[board]~~ may hold or have held public hearings in the manner provided in Subsection (a) of this section.

SECTION 35. Subchapter F, Chapter 33, Natural Resources Code, is amended to read as follows:

SUBCHAPTER F. COASTAL COORDINATION

Section 33.201. Short Title. This subchapter may be cited as the Coastal Coordination Act ~~[of 1977]~~.

Section 33.202. Policy. (a) It is declared to be the policy of this state to make more effective and efficient use of ~~[the]~~ public funds and provide for more effective and efficient management of ~~[public facilities in]~~ coastal natural resource areas, and to better serve the people of Texas by:

(1) continually reviewing the principal coastal problems of state concern, coordinating the performance of agencies, subdivisions, and ~~[state coastal]~~ programs; ~~[;]~~ affecting coastal natural resource areas, and the coordinating measures required to resolve identified coastal problems; and

(2) making all ~~[the state's many existing]~~ coastal management processes more visible, accessible, coherent, consistent, and accountable to the people of Texas.

(b) It is declared to be the policy of this state that the chief executive officer of the state should represent the State of Texas in discussions and negotiations with the federal government with regard to the effect of federal actions on the coastal programs and policies of the State of Texas.

Section 33.203. Definitions. [(a)] In this subchapter:

(1) "Coastal natural resource areas" means areas designated in the coastal management plan as requiring special management, including [areas in the Gulf of Mexico within the boundaries of this state, tidal inlets and tidal deltas, bays, lagoons which contain seawater and which have unimpaired connection with the Gulf of Mexico, oyster reefs, grassflats, channels which contain seawater,] coastal public submerged lands [lakes containing seawater], public beaches [adjacent to seawater], washover areas on peninsulas, mainland shorelines, and barrier islands, [wind tidal flats, marsh which contains seawater, washover areas]] protected sand dune complexes on the Gulf shoreline, [river mouths and tidal streams up to the farthest point of intrusion by seawater,] and parks, historic areas, wildlife refuges, preserves, and other such natural resource management areas [spoil deposits in direct contact with seawater or] located within the ~~[, upon, or in direct contact with any of these]~~ coastal ~~[natural resource areas, but does not include any mainland] area and designated in the coastal management plan [where seawater is present only during storms or hurricanes as defined by the Beaufort Wind Scale].~~

(2) "Council[;]" means the Coastal Coordination [Natural Resources] Council, which shall consist of the commissioner, the attorney general, the chair of the Parks and Wildlife Commission, and the chair of the Texas Water Commission, and one city or county elected official and one resident from the coastal area appointed by the governor for two-year terms [created by the Natural Resources Council Act of 1977 (Article 4413(48), Vernon's Texas Civil Statutes)].

(3) "Agency or subdivision" means any agency, department, board, commission, subdivision, body politic, or other government entity or unit.

(4) "Coastal management plan" means the plan as developed by the commissioner under Section 33.052 of this code ~~["Seawater" means any water containing a concentration of one-twentieth of one percent or more by weight of total dissolved inorganic salts derived from the marine water of the Gulf of Mexico.~~

(b) ~~The definition in Subsection (a)(1) of this section is not admissible in evidence in any court of law for any purpose other than the implementation and construction of the subchapter unless otherwise agreed by all parties to the case or controversy before the court].~~

Section 33.204. Adoption of [Study of] Coastal Goals and Policies; Review [Problems and Issues]. (a) The council shall promulgate rules adopting the goals and policies of the coastal management plan and make studies of problems and issues affecting the management of coastal natural resource areas as provided in the plan [of the state that are in the public interest].

(b) The council shall meet once in each calendar quarter. The commissioner is chair of the council and may convene special meetings at other times. For each matter to be reviewed by the council under Section 33.205 of this code, the governor shall designate a local elected official from a county directly affected by the matter under review. The local official shall serve as a non-voting participant on the council for purposes of reviewing and acting on that matter only [prepare and submit to the governor and legislature before March 1 of each even-numbered year a comprehensive report with recommendations for action on problems and issues affecting the coastal natural resource areas of the state. The comprehensive report may include a minority report and recommendations and shall include:

(1) a short description of the environmental, social, and economic changes in or affecting the coastal natural resource areas of the state during the preceding two years, this description to include changes in boundaries and state or federal coastal policies;

(2) a statement of the principal problems of state concern in or affecting coastal natural resource areas;

(3) a statement of the steps recommended by the council to resolve identified problems, including additions to or changes in state policies, programs, or statutes affecting coastal natural resource areas, transfers of programs among agencies, and the creation of new programs or elimination of old ones;

(4) a review of the effectiveness of current programs for implementing state policy affecting coastal natural resource areas;

(5) a report on the success of actions taken by the council during the preceding two years, including public hearings, administration of federal grant funds, and specific studies; and

(6) recommended state coastal natural resource research and data acquisition priorities].

(c) [The state agencies, university systems, other bodies, and elected officials represented on the council shall perform or have performed all research and analyses requested by the council for the preparation of the report and transmit the research and analyses to the council by such time as is necessary to ensure the timely submission of the council's finished report to the governor and legislature:

(d)] In conducting reviews under Section 33.205 of this code [the course of preparing the report], the council shall receive and consider the oral or written testimony of any person regarding the goals and [coastal] policies[, programs, and procedures] of the coastal management plan [state]. The council may reasonably limit the length and format of the testimony and the time at which it will be received. Notice of the period during which the testimony will be received shall be published in the Texas Register and in a newspaper of general circulation in each county directly affected by the matter under review [not less than 30 days] before the commencement of that period. The council shall consider only the record before the agency or subdivision involved in the matter under review, the agency's or subdivision's findings, applicable laws and rules, any additional information provided by that agency or subdivision, and public testimony under this subsection, provided that if the agency or subdivision did not hold a hearing, make a record, or make findings, the council may hold a hearing and make findings necessary to a complete and thorough review.

(d) The land office shall assist the council in carrying out its duties. The council shall not receive compensation for services but may receive reimbursement for actual and necessary expenses.

Section 33.205. Standards; Submission for Review. (a) All actions taken or authorized by state agencies and subdivisions that may adversely affect coastal natural resource areas, including discharges and withdrawals that may significantly affect water quality in state waters subject to tidal influence, must comply with the goals and policies of the coastal management plan. In developing rules and policies applicable in coastal areas and performing actions subject to the requirements of this subsection, state agencies and subdivisions shall take into account the goals and policies of the coastal management plan.

(b) The council shall review any action subject to the requirements of Subsection (a) of this section that the commissioner submits to the council for review. The council shall review any action subject to the requirements of Subsection (a) of this section that is submitted to the council by any three regular members of the council.

(c) An action must be referred to the council within 30 days of the date it becomes final. The council must consider and act on the matter within 90 days of referral.

Section 33.206. Council Action. (a) After reviewing an action of a state agency or subdivision, the council may affirm or protest the action of the state agency or subdivision.

(b) If the council protests the action, the council shall remand the matter to the state agency or subdivision. The remand shall include findings on inconsistencies with the goals and policies of the coastal management plan and may include recommendations of the council. On remand, the state agency or subdivision shall modify or amend the action to make it consistent with the goals and policies of the coastal management plan. Should the agency or subdivision decide not to amend its action as recommended by the council, it shall notify the council of that decision.

(c) The state agency's or subdivision's action on remand is subject to review by the council as provided in Section 33.205 of this code. The only basis on which the council may reverse a decision of an agency or subdivision is that the action is inconsistent with the goals and policies of the coastal management plan.

(d) The council shall review any federal action the commissioner submits to the council for review. If, after review, the council finds a federal action does not comply with goals and policies of the coastal management plan, the council may refer the matter to any federal official authorized to review or act on the matter, and may pursue resolution of the matter with the federal official.

Section 33.207. Judicial Review. A person aggrieved by a final action of the council may appeal to a district court under Article 6252-13a, Revised Statutes.

Section 33.208. Enforcement. The attorney general, at the request of the council, shall file in a district court of Travis County, or in the county in which the violation occurs, a suit to enforce this subchapter.

SECTION 36. Subchapter I, Chapter 16, Water Code, is amended by adding Section 16.320 to read as follows:

Section 16.320. Coastal Erosion. The commissioner of the General Land Office is authorized to perform all acts necessary to develop and implement a program for certification of structures subject to imminent collapse due to erosion under the National Flood Insurance Act. This program shall include administrative rules adequate to meet all erosion-related requirements of the National Flood Insurance Act, including the establishment of required erosion zones in order for the state to receive approval to administer the program. This section shall apply to any amendment of or law replacing Section 4013(c) of the National Flood Insurance Act. All actions taken by political subdivisions under Section 16.315 of this code with respect to structures in imminent danger of collapse from coastal erosion must comply with rules and regulations adopted by the commissioner under this section.

SECTION 37. Subchapter I, Chapter 16, Water Code, is amended by adding Section 16.321 to read as follows:

Section 16.321. Coastal Flooding. The commissioner of the General Land Office shall adopt and enforce reasonable rules and regulations necessary for protection from flooding on barrier islands, peninsulas, and mainland areas fronting on the Gulf of Mexico. Rules and regulations adopted pursuant to this section shall be limited to those matters that political subdivisions are authorized to address under Section 16.315 of this code and may not impose requirements stricter than those established by the federal agency administering the National Flood Insurance Act. All actions taken by political subdivisions under Section 16.315 with respect to flooding on barrier islands, peninsulas, and mainland areas fronting on the Gulf of Mexico must comply with rules and regulations adopted by the commissioner under this section.

SECTION 38. Section 240.901, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) Rules and regulations adopted by counties under this section shall comply with rules and regulations promulgated by the commissioner of the General Land Office under Sections 16.320 and 16.321, Water Code.

SECTION 39. Section 15.002(a), Water Code, is amended to read as follows:

Section 15.002. Purpose. (a) The legislature finds that it is in the public interest and to the benefit of the general public of the state to encourage and to assist in the planning and construction of projects to develop and conserve the storm water and floodwater as well as the ordinary flows of the rivers and streams of the state, to maintain and enhance the quality of the water of the state, to provide protection to the state's citizens from the floodwater of the rivers and streams of the state, to provide drainage, subsidence control, public beach nourishment, recharge, chloride control, and desalinization, and other purposes as provided by law or board rule.

SECTION 40. Section 17.001(15), Water Code, is amended to read as follows:

(15) "Structural flood control" includes measures such as construction of storm retention basins, enlargement of stream channels, beach nourishment, and modification or reconstruction of bridges.

SECTION 41. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. The Natural Resources Advisory Council, the Texas Energy and Natural Resources Advisory Council, and any other board having substantially the same membership and functions as the Coastal Coordination Council, are abolished and their powers and duties are transferred to the Coastal Coordination Council to be carried out as provided in this Act.

SECTION 42. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Sims offered the following amendment to the amendment:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 1053 as follows:

In SECTION 35 of C.S.S.B. 1053 of Floor Amendment No. 1 after the words Texas Water Commission, add the following:

the Chair of the Railroad Commission of Texas

The amendment to the amendment was read and failed of adoption by the following vote: Yeas 10, Nays 19.

Yeas: Armbrister, Bivins, Haley, Harris of Tarrant, Henderson, Krier, Leedom, Ratliff, Sibley, Sims.

Nays: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent: Brown, Harris of Dallas.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1053 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1053 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1343, Relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

S.B. 177, Relating to the collection and preservation of evidence of a sexual assault or other sex offense. (As substituted)

S.B. 764, Relating to the municipal annexation of territory by general law municipalities. (As amended)

S.B. 755, Relating to changing the name of the University of Houston-University Park to the University of Houston.

S.B. 604, Relating to participation and credit in, and administration of, retirement systems for paid, partially paid, or volunteer fire fighters.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1054 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1054, Relating to the protection and enhancement of state-owned coastal wetlands.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1054 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 1054 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Carriker in Chair)

SENATE BILL 478 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 478, Relating to the governing board of the Texas School for the Deaf.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 478 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 478 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 849 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 849, Relating to the regulation of dental assistants.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 849 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 849 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 700 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 700, Relating to the sale, exchange, grant, or other conveyance of state-owned land.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 700 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 700** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1550 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1550, Related to required meetings of the Operation Game Thief Committee.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1550 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1550** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1540 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1540, Relating to a requirement that an operator service make a live operator available.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1540** in SECTION 1 by adding in line 45, after the word "service" the following:

"The requirements of this subsection shall not apply to telephones located in prison or jail facilities."

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1540 in SECTION 1 by striking the proposed Subsection (i) to Section 18A, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) and inserting in lieu thereof the following:

(i) Each dominant or nondominant telecommunications utility that provides operator service shall ensure that a caller may access a live operator at the beginning of a call through a method designed to be easily and clearly understandable and accessible to a caller. A telecommunications utility shall submit to the commission the method by which the utility will provide access to a live operator for review. This subsection applies regardless of the method by which the telecommunications utility provides the operator service.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1540 ON THIRD READING**

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1540 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 199 ON SECOND READING**

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 199, Relating to the liability of a person who manufactures or delivers certain illegal substances for damages arising from the use of the substances.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up C.S.S.B. 199 for consideration at this time.

The motion was lost by the following vote: Yeas 15, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Green, Haley, Harris of Tarrant, Krier, Leedom, Lyon, Montford, Ratliff, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Johnson, Moncrief, Parker, Rosson, Truan, Turner.

Absent: Harris of Dallas, Henderson, Lucio, Sibley.

SENATE BILL 428 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 428, Relating to the eligibility of professional athletes who are employed by a franchise of the National Football League, National Basketball Association, American League of Professional Baseball Clubs or the National League of Professional Baseball Clubs for the receipt of workers' compensation benefits.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 428** as follows:

On page 1, line 47, add the following sentence after the word "benefits." and renumber accordingly:

"Nothing herein shall restrict any remedy otherwise available to an employee exempt under this subsection or his right to a trial to determine his damages for personal injury received while employed as a professional athlete by a franchise listed in this subsection."

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 428** on page 2, line 13, by adding the following sentence after the word "provided." and renumber accordingly:

"Provided however, nothing herein shall reduce benefits payable for medical care or rehabilitation."

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 428** by adding the following on page 1, line 47, after the word "benefits" and renumber accordingly:

"The Texas Workers' Compensation Commission shall certify that such medical care and weekly benefits provided by a franchise listed herein are at least equal to those benefits provided by the Texas Workers' Compensation Act. This subsection shall not apply to those persons employed by such franchise until such certification is made by the Commission."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 428 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 428 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Barrientos.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 686 REREFERRED

On motion of Senator Barrientos and by unanimous consent, H.B. 686 was withdrawn from the Committee on Education and rereferred to the Committee on Finance.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills and resolution today:

S.J.R. 45

S.B. 1545

S.B. 1552

SENATE RULE 11.11 SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills tomorrow:

H.B. 948

S.B. 1572

S.B. 1569

MEMORIAL RESOLUTIONS

S.C.R. 123 - By Brooks: In memory of Mrs. Maribelle Hamblen Reich.

S.C.R. 125 - By Brooks: In memory of Eugene W. Parrish III of Galveston.

S.C.R. 128 - By Brooks: In memory of Dr. Stephen R. Lewis of Galveston.

S.C.R. 129 - By Brooks: In memory of Lewis Harris of Galveston.

S.C.R. 130 - By Brooks, Moncrief, Glasgow: In memory of Thomas D. Hanstrom of Crowley.

S.C.R. 132 - By Brooks: In memory of Maurice A. Harr of Galveston.

S.R. 688 - By Brooks: In memory of R. Jennings "Jay" Bohner III of Houston.

CONGRATULATORY RESOLUTIONS

H.C.R. 202 - (Sims): Commending the Confederate Air Force.

H.C.R. 222 - (Truan): Declaring the week of May 13-17, 1991, "Paraprofessional and School-Related Personnel Appreciation Week in Texas."

S.C.R. 122 - By Brown: Declaring the week of May 12-18, 1991, as Texas Law Officers Week and also designating May 13 as Law Officers Memorial Day.

S.C.R. 124 - By Brooks: Extending congratulations to Ina Ivory Garner of Galveston on the occasion of her 100th birthday.

S.C.R. 126 - By Brooks: Extending congratulations to Jeanne Mixon and John Schwartz on the birth of their second child, Samuel Austin Schwartz.

S.C.R. 127 - By Brooks: Expressing appreciation to Mrs. Margie Keating for her contributions and 35 years of loyal service to the State of Texas.

S.C.R. 131 - By Armbrister: Paying tribute to the citizens of Rosanky on the occasion of its 100th anniversary on May 26, 1991.

S.R. 672 - By Brooks: Declaring May 9, 1991, as Corporate Recycling Day in Texas and recognizing the Houston Corporate Recycling Council for its leadership in promoting the implementation of recycling programs in private industry.

S.R. 673 - By Lyon: Recognizing Larry A. Boyd for his outstanding work as a game warden for our State.

S.R. 674 - By Krier: Recognizing the Coast Guard Reserve on the occasion of its golden anniversary.

S.R. 676 - By Turner: Extending congratulations to Mr. and Mrs. August R. Labaj of Granger on the occasion of their 50th wedding anniversary.

S.R. 677 - By Turner: Recognizing Mrs. S. A. Curry, Sr., formerly Hannah Margaret Tunstall, of Crockett, on the occasion of her 100th birthday.

S.R. 678 - By Turner: Recognizing Mrs. Mary Kolle of Wharton on the occasion of her 90th birthday, March 22, 1991.

S.R. 679 - By Turner: Recognizing Mrs. Bertha Franz of Wharton on the occasion of her 90th birthday, March 17, 1991.

S.R. 680 - By Turner: Extending congratulations to Private Chad David Donahue of Magnolia on achieving the rank of Eagle Scout.

S.R. 681 - By Turner: Extending congratulations to Mr. and Mrs. Lee L. Piraino of Bryan on the occasion of their 50th wedding anniversary.

S.R. 682 - By Turner: Extending congratulations to Mr. and Mrs. Chris Wilbeck of Wharton on the occasion of their 50th wedding anniversary.

S.R. 683 - By Turner: Recognizing Mr. and Mrs. Willis Dixon, Sr., of Calvert on the occasion of his 90th and her 86th birthday.

S.R. 684 - By Lucio: Honoring the 4500 officers and crew members of the Navy's oldest operational aircraft carrier, the U.S.S. Midway.

S.R. 685 - By Lucio: Honoring naval officer and fellow Texan, Lieutenant Carlos Draeger Godinez, Jr., who recently was awarded the Navy Commendation Medal for meritorious service during Operation Desert Shield and Operation Desert Storm.

S.R. 687 - By Armbrister: Commending the Shiner Gazette for its invaluable service to the citizens of Shiner and the surrounding area.

S.R. 689 - By Montford: Extending congratulations to H. M. Lasater of Slaton on the occasion of his induction into the Texas Lions Hall of Fame in recognition of his 58 years of superior service to the people of West Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:13 p.m. adjourned until 10:00 a.m. tomorrow.

SIXTY-FIRST DAY
(Wednesday, May 8, 1991)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Pastor M. David Fetter, Abiding Love Lutheran Church, Austin, offered the invocation as follows:

Almighty God, we give You thanks for another day, for the challenges and opportunities which lay before us. Help us to see Your hand at work, serving us, in the many blessings we will receive today, including the rain. Help us to see where our hands need to be at work serving and blessing others with a portion of Your love. I thank You for each person in this room today. I ask You, dear Lord, to guide them, to inspire them, to comfort them, to help them in any time of need. Prosper the work of all who labor for a more peaceful and just world. Grant good health and favor to all who bear office in our land, especially to our President, George Bush, our Governor, Ann Richards, our Lieutenant Governor, Bob Bullock, and all those who make, administer and judge our laws. Help them to serve according to Your holy will. Let Your blessing rest upon our institutions of learning, our homes, our families, our commerce, our industry, our public service agencies, our recreational programs, and all persons who work to make these the best they can be for the common good. You give us each day as a gift, and we pray that we might prove to be responsible stewards of our time, and thankful children for all that You do for us as our loving Creator God. In Your holy name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 906

On motion of Senator Johnson and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 906.

CO-AUTHOR OF SENATE BILL 1124

On motion of Senator Tejeda and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1124.